

By the Committees on Appropriations; and Finance and Tax; and
Senators Burgess, Diaz, and Albritton

576-04452-21

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1 A bill to be entitled
2 An act relating to broadband Internet infrastructure;
3 providing a short title; creating s. 364.0137, F.S.;
4 providing legislative findings; defining terms;
5 requiring municipal electric utilities to provide a
6 specified promotional rate to broadband providers for
7 wireline attachments made in unserved or underserved
8 areas within the utility's service area; requiring the
9 broadband provider to submit an application that meets
10 certain requirements to receive the promotional rate;
11 requiring municipal electric utilities to provide
12 certain information regarding connections made
13 available to broadband providers to the Office of
14 Broadband within the Department of Economic
15 Opportunity; providing requirements for the
16 promotional rate; requiring the local technology
17 planning teams within the office to provide support to
18 rural communities regarding broadband service
19 availability; requiring wireline attachments to comply
20 with certain safety and engineering standards;
21 authorizing a municipal electric utility to require a
22 broadband provider to reimburse the electric utility
23 for the replacement of utility poles under certain
24 circumstances; defining the term "useful life";
25 prohibiting a municipal electric utility from
26 increasing pole attachment fees during a specified
27 timeframe; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. This act may be cited as the "Florida Broadband
32 Deployment Act of 2021."

33 Section 2. Section 364.0137, Florida Statutes, is created
34 to read:

35 364.0137 Attachment of broadband facilities to municipal
36 electric utility poles.-

37 (1) The Legislature finds that there is a need for
38 increased availability of broadband Internet access throughout
39 this state, particularly in areas where residents do not have
40 access to acceptable Internet download and upload speeds, or any
41 access at all. The lack of Internet connectivity and widespread
42 broadband availability is detrimental to the growth of the
43 economy, access to telehealth, and educational opportunities.
44 The federal government has provided vast resources for private
45 cable and other broadband providers to expand the deployment of
46 broadband infrastructure in areas where Internet access and
47 broadband service are inadequate or nonexistent.

48 (2) As used in this section, the term:

49 (a) "Broadband provider" means a person or an entity who
50 provides fixed broadband service.

51 (b) "Broadband service" means a service that provides high-
52 speed access to the Internet at a rate of at least 25 megabits
53 per seconds for downloading and at least 3 megabits per second
54 for uploading.

55 (c) "Underserved" means that retail access to the Internet
56 is not available at speeds of at least 25 megabits per seconds
57 for downloading and 3 megabits per second for uploading.

58 (d) "Unserved" means that retail access to the Internet is

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59 not available at speeds of at least 10 megabits per seconds for
60 downloading and 1 megabit per second for uploading.

61 (e) "Wireline attachment" means a wire or cable and
62 associated equipment affixed to a utility pole in the
63 communications space of the pole.

64 (3) From July 1, 2021, to July 1, 2024, a municipal
65 electric utility shall provide a broadband provider with a
66 promotional rate of \$1 per wireline attachment per pole per year
67 for any new attachment necessary to make service available to an
68 unserved or underserved end user within the municipal electric
69 utility's service territory during such time period.

70 (a) A broadband provider that wishes to make wireline
71 attachments subject to the promotional rate shall submit an
72 application, including a route map, to the municipal electric
73 utility specifying which wireline attachments on which utility
74 poles are necessary to extend broadband service to unserved or
75 underserved end users and therefore qualify for the promotional
76 rate under this subsection, together with such information
77 necessary to identify which unserved or underserved end users
78 within the municipal electric utility's service territory will
79 have access to broadband service as a result. The broadband
80 provider shall also submit a copy of such application and plan
81 simultaneously to the Office of Broadband within the Department
82 of Economic Opportunity.

83 (b) A municipal electric utility shall report to the Office
84 of Broadband which connections on which utility poles were made
85 available to broadband providers subject to the promotional
86 rate, together with any information available to it regarding
87 which of its municipal electric utility customers do and do not

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88 have access to broadband service and whether they are unserved
89 or underserved.

90 (c) A broadband provider who makes an application to attach
91 under the promotional rate shall make all reasonable efforts to
92 make broadband service available to the unserved or underserved
93 municipal electric utility customers identified in the
94 application. If the broadband provider fails to make broadband
95 service available to those customers within 12 months, the
96 broadband provider may be required to pay the prevailing rate
97 for those attachments that failed to make broadband service
98 available to the intended customers.

99 (d) Except to the extent provided in this section, wireline
100 attachments subject to the promotional rate must conform to all
101 other terms and conditions of existing pole attachment
102 agreements between the broadband provider and the municipal
103 electric utility. If no such agreement exists, the parties have
104 90 days to enter into a pole attachment agreement for all other
105 terms and conditions of attachment.

106 (4) The local technology planning teams within the Office
107 of Broadband shall work with rural communities to help the
108 communities determine their current broadband availability,
109 locate unserved and underserved customers, identify assets
110 relevant to broadband deployment, build partnerships with
111 broadband service providers, and identify opportunities to
112 leverage assets and reduce barriers to the deployment of public
113 and private broadband service in the community. In fiscally
114 constrained counties, the teams or partnerships must be
115 proactive in identifying and providing assistance with applying
116 for federal grants for broadband service.

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117 (5) All wireline attachments must comply, at a minimum,
118 with the safety and engineering standards for pole attachments
119 specified in the National Electrical Safety Code. A municipal
120 electric utility may adopt publicly available, reasonable, and
121 nondiscriminatory safety and engineering standards for the
122 protection of the public health, safety, or welfare which exceed
123 specifications in the National Electrical Safety Code. If a
124 municipality has adopted or adopts such standards that exceed
125 such specification in the National Electrical Safety Code, the
126 broadband provider must meet the stricter standards.

127 (6) If the municipal electric utility is required to
128 replace a utility pole due to a broadband provider's attachment,
129 the municipal electric utility may require, as a condition of
130 pole attachment, a broadband provider to reimburse all
131 reasonable and nondiscriminatory costs attributable solely to
132 the new attachment minus the salvage value of the removed pole,
133 if such value is positive. The municipal electric utility may
134 not require a utility pole to be replaced to accommodate a
135 broadband provider's attachment except where necessary to comply
136 with applicable engineering and safety standards. With respect
137 to such replacement poles, if pole replacement is necessary to
138 correct an existing violation, to bring the pole into compliance
139 with any changes in applicable standards, or because the pole is
140 at the end of its useful life, such replacement cost may not be
141 charged to the broadband provider. As used in this subsection,
142 the term "useful life" means not less than 30 years for a wood
143 utility pole and not less than 50 years for a concrete, steel,
144 or ductile iron pole and all other utility poles.

145 (7) A municipal electric utility may not increase the fees

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146 charged to broadband providers for pole attachments made between
147 July 1, 2021, and July 31, 2022.

148 Section 3. This act shall take effect July 1, 2021.